

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SINCERE SMITH,

Plaintiff,  
-against-

**STIPULATION AND  
ORDER OF PARTIAL  
DISCONTINUANCE  
PURSUANT TO FRCP  
41(a)**

ORC WILLIAMSON, *et al.*,

22-CV-00174  
GLS/TWD

Defendants.

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**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, Plaintiff and the attorneys of record for defendants Gregory Mayo (sued herein as “Sgt Mayo”), Christopher Miller (sued herein as “Superintendent Miller”), Leonard Rena (sued herein as “ORC Rena”), Jeffrey Williamson (sued herein as “ORC Williamson”), Stephen Casanova (sued herein as “Nurse Casanova”), Ashley Montalto (sued herein as “ORC Moltavo”), Katherine G. Henley (sued herein as “CHO Henley”), Teri Kozak (sued herein as “Dept Kosak”), Keith Klein (sued herein as “Lt Klein”), John Nickless (sued herein as “ORC Nickles”), Kenneth Pope (sued herein as “C.O. Pope”), William Burns (sued herein as “Dept Burns”), Devrin Perdue (sued herein as “C.O. Perdue”), Luke Funke (sued herein as “ORC Funk”), Justin Kotary (sued herein as “C.O. Kotary”), Michael Fischer (sued herein as “Dept Fischer”), Donald E. Venetozzi (sued herein as “Dept Venetozzi”), Paul J. Piersma (sued herein as “ORC Piersma”), Anthony Rodriguez (sued herein as “A. Rodriguez”), Nicolas Leone (sued herein as “Sgt N. Leone”), Amira Green (sued herein as “ORC Green”), Lauren Buehler (sued herein as “ORC Bueller”) (collectively “Defendants”), that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, that the above entitled action be and the same hereby is partially discontinued on the following grounds and conditions:

1. Plaintiff voluntarily discontinues all claims in the Complaint [Dkt. 1] alleging Fourteenth Amendment due process claims asserted against Defendants Miller and Rodriguez arising from the disciplinary hearing determinations, sanctions, and appeals stemming from the hearing conducted at Great Meadow Correctional Facility, with prejudice and without damages, costs, interest or attorneys' fees;
2. Plaintiff voluntarily discontinues all claims in the Complaint [Dkt. 1] alleging Fourteenth Amendment due process claims asserted against Defendants Green, Piersma, Williamson, Buehler, Funke, Rena, Klein, Fischer, Kosak, Burns, Montalto, Mayo, Nickless, Rodriguez, and Venettozzi arising from allegations that they interfered with Plaintiff's progression in and/or completion of the step-down program at Mid-State Correctional Facility, with prejudice and without damages, costs, interest or attorneys' fees
3. The foregoing constitutes the entire agreement of the parties.

**IT IS FURTHER AGREED** that this stipulation may be signed and/or executed by facsimile and a facsimile copy may be filed without further notice with the Clerk of the Court.

Dated: New York, New York  
\_\_\_\_\_, 2023



Sincere Smith  
DIN 18A4013  
Plaintiff *pro se*  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, NY 12953

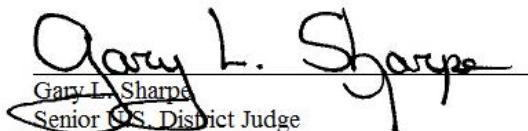
Dated: Albany, New York  
October 20, 2023

LETITIA JAMES  
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October 23, 2023  
Albany, New York

SO ORDERED:

  
Gary L. Sharpe  
Senior U.S. District Judge